

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FREDERICK N. BURGNER,

No. C 07--cv-05160 HRL

Plaintiff(s),

**DECLINATION TO PROCEED BEFORE  
A MAGISTRATE JUDGE**

v.

**AND**

UNION PACIFIC RAILROAD CO.

**REQUEST FOR REASSIGNMENT TO A  
UNITED STATES DISTRICT JUDGE**

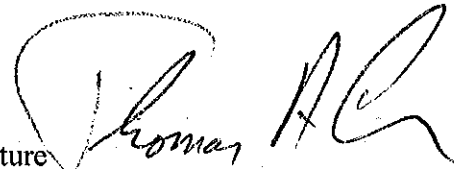
Defendant(s).

REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

Dated: 2-25-08

Signature



Counsel for Defendant  
(Plaintiff, Defendant, or indicate "pro se")

**PROOF OF SERVICE**

**CASE:** *Burgener v. Union Pacific Railroad Company*, Case No. 5:07-cv-05160-HRL  
**COURT:** USDC, Northern District of California, San Jose Division

The undersigned declares:

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of 18 years and not a party to the within above-entitled action; my business address is 1030 G Street, Sacramento, CA 95814.

I am readily familiar with this law firm's practice for collection and processing of correspondence for mailing with the United States Postal Service; said correspondence will be deposited with the United States Postal Service the same day in the ordinary course of business.

On the date indicated below I served the within **DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE** on all parties in said action as addressed below by causing a true copy thereof to be:

xx placed in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail:

— delivered by hand:

— telecopied by facsimile:

— express mailed:

Daniel M. Mayfield, Esq.  
Carpenter & Mayfield  
730 N 1st Street  
San Jose, CA 95112  
Phone: (408) 287-1916  
Fax: (408) 287-9857

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this February 26, 2008, Sacramento, California.

/s/ SUSAN R. DARMS  
SUSAN R. DARMS